

Missouri River Authorized Purposes Study

The Osprey Group
Situation Assessment

March 2010



Questions

- ▶ Are the issues fairly identified? Are some issues overstated or understated? What's missing?
- ▶ Are the process suggestions reasonable? How could they be improved?
- ▶ Other suggestions or comments?



Fact Sheet

- ▶ Fundamental information about ...
 - ▶ Corps-USIECR-Osprey
 - ▶ Purpose of the assessment
 - ▶ Sources of information
 - ▶ Assessment timeline



Study Context

- ▶ Perception of need for change
- ▶ Political environment
- ▶ History of conflict
- ▶ Tribal relations
- ▶ Perception of zero-sum game
- ▶ Population distribution
- ▶ Evolving uses of the River
- ▶ The reputation of the Corps



Need for Change

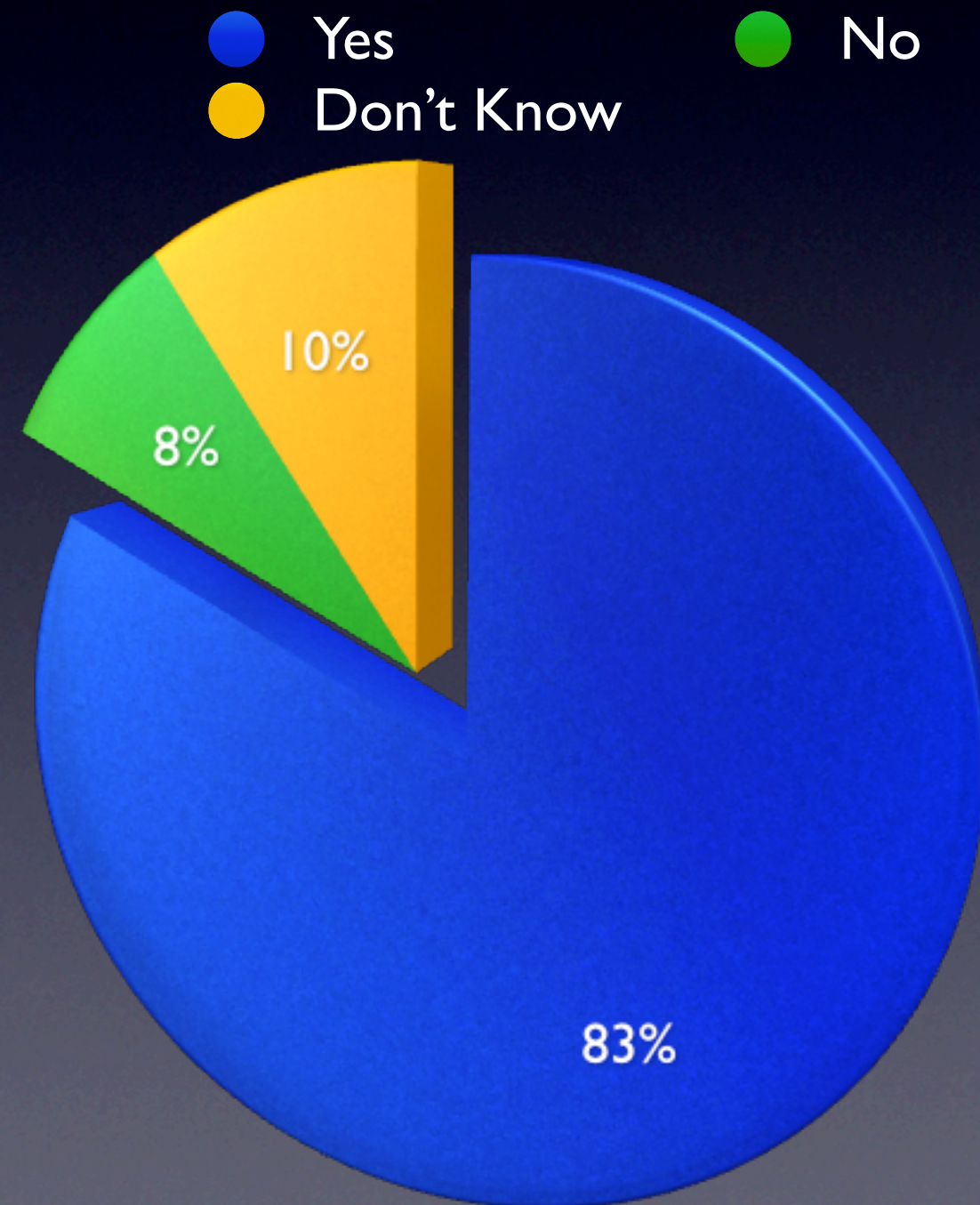
- Quotes -

-
- ▶ *“Some things, like the ESA, were not on the radar in 1944.”*
 - ▶ *“Naturalize the river system as much as possible.”*
 - ▶ *“Navigation is at odds with everything.”*
 - ▶ *“Recreation is not essential.”*
 - ▶ *“We can have viable recreation and navigation.”*
 - ▶ *“Need to figure out how to adaptively manage the river based on scientific data.”*
 - ▶ *“Need to acknowledge the economic impacts of the management of the river.”*
 - ▶ *“What we need is a fresh look.”*



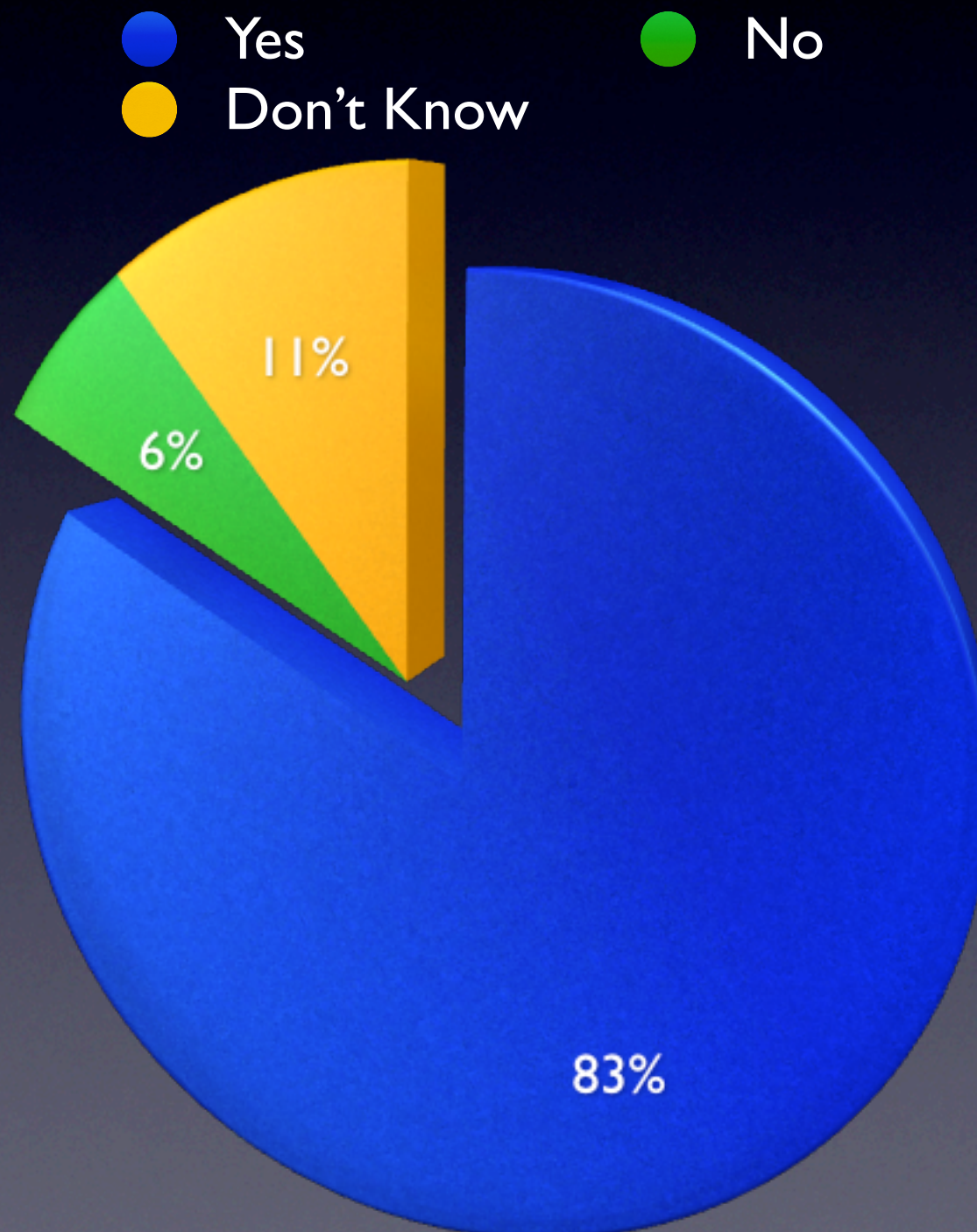
Perception of Need for Change

Based on 79
personal
interviews; 83
percent say change
is needed and 46
percent of those
believe major
change is needed.





Perception of Need for Change



Based on 506 responses to electronic survey. Not scientifically valid, but a reflection of the views of many. Of those who say change is needed, 46% characterize it as “major.”



Political Environment

- Quotes -

- ▶ *“This is entirely a political battle to get rid of navigation.”*
- ▶ *“The Federal government gave the people a chance of a lifetime.”*
- ▶ *“Some hard choices will need to be made.”*
- ▶ *“The people who want the status quo are the most powerful.”*
- ▶ *“Balance has been achieved by a number of fist fights throughout the basin.”*
- ▶ *“This study will only have a 10% impact on the final outcome, the rest is political.”*
- ▶ *“If the stakeholders up and down the river can come up with a signed, sealed and packaged solution, then the politicos can’t touch it.”*



Political Environment

- ▶ *“This is a great example of studies to try to impact policy, so that you keep having continuous studies.” Senator McCaskill, 2009*
- ▶ *“Yet the river is still managed for the minnow and not the whale, which is typical of the Corps of Engineers. Never change. Resist change. Never change, no matter what. . . . it is long past time that the river be managed with the recognition of its current use.” Senator Dorgan, 2009*
- ▶ *“The future of the river downstream, where the large majority of users live, remains in energy production, water supply, and energy and cost efficient transportation that is clean.” Senator Bond, 2009*



Political Environment

- Osprey Finding -

- ▶ Many see this study as a wasteful effort in which intra-basin politics will ultimately drive Congressional action regardless of study findings.
- ▶ Others see the study as a timely opportunity to assess the purposes of the Act and ensure alignment with contemporary needs.



History of Conflict

- Quotes -

- ▶ *“This is a water war.”*
- ▶ *“Folks are drawing lines in the sand – are going to fight this.”*
- ▶ *“There are dug-in interests throughout the basin.”*
- ▶ *“This will be the most controversial thing to happen on the River since 1944.”*
- ▶ *“Wacko environmental idiots.”*
- ▶ *“People are already putting on their armor getting ready for a fight.”*



Tribal Relations

- Quotes -

- ▶ *“Tribes weren’t considered in the Pick-Sloan Act.”*
- ▶ *“Acknowledge the Tribes and how they’ve been damaged.”*
- ▶ *“I don’t know what their big ‘gripe’ is.”*
- ▶ *“Go see the Tribes and respect their sovereignty.”*
- ▶ *“This bottom land was our sustenance and freedom, it was our entire livelihood. This was a major taking.”*
- ▶ *“It looks like a vindictive wedge. They got paid a fair price at the time.”*
- ▶ *“None of the concerns from the Tribes were heard during the Master Manual update.”*



Tribal Relations

- Osprey Finding -

- ▶ 28 Tribal Nations in the basin
- ▶ Lack of involvement or recognition of Tribal needs historically
- ▶ Important to engage Tribal Nations effectively
- ▶ Engagement should range from providing information through coordination and collaboration to formal consultation



Zero-Sum Game

- Quotes -

- ▶ *“The underlying problem is that there is not enough water in the river to cover all the purposes.”*
- ▶ *“We have all been winners in some respects and losers in some respects.”*
- ▶ *“The key nut that needs to be cracked is what to do when the water resources are very limited.”*
- ▶ *“We should focus on enhancing each use.”*
- ▶ *“If everyone comes to the table protecting their interests at all costs, you cannot have a meaningful process in the end.”*



Population Distribution

- Quotes -

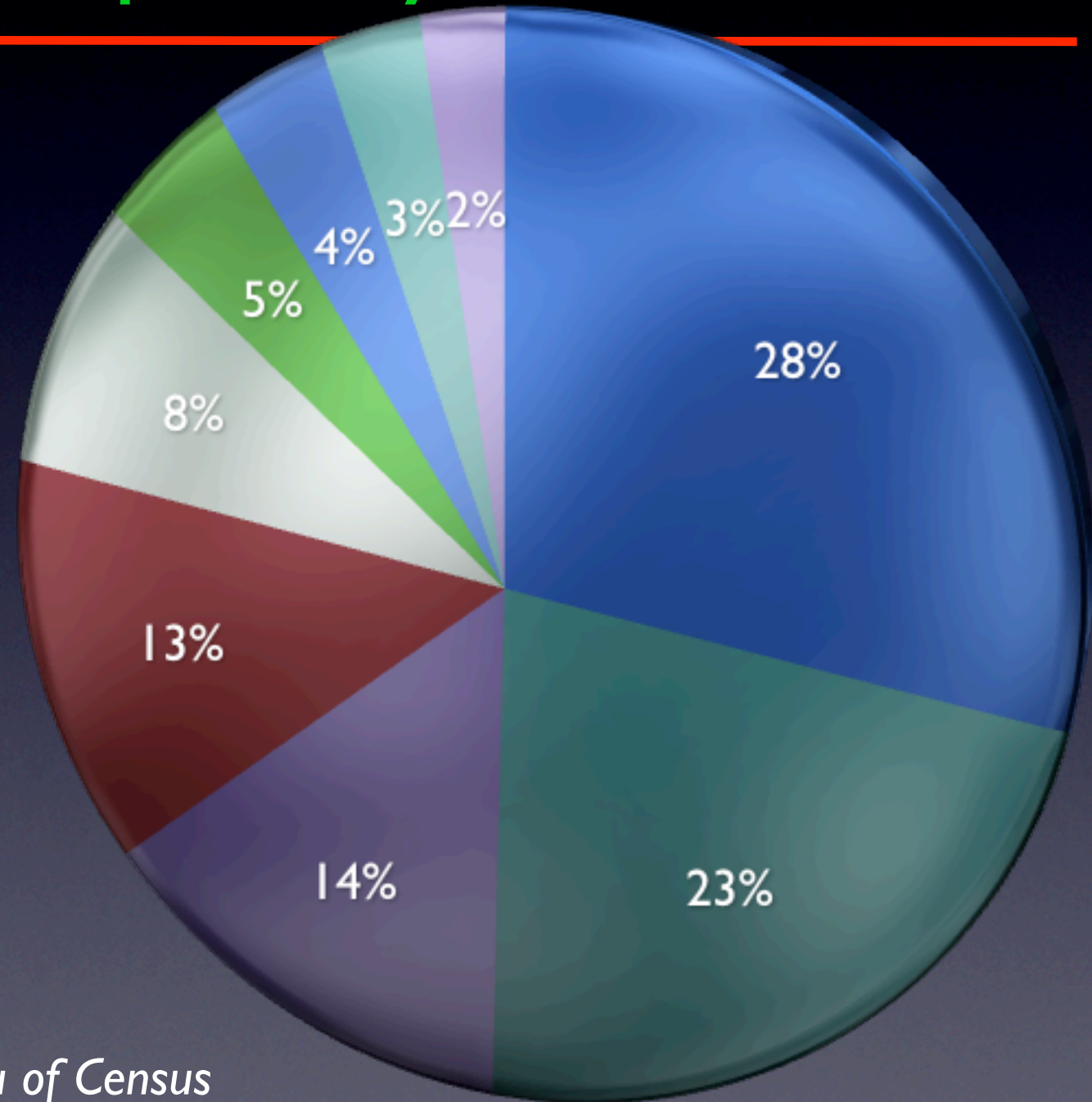
- ▶ *“Population is driving this thing.”*
- ▶ *“The State of Missouri needs to take a hit on this one.”*
- ▶ *“Upstream there are a bunch of cry babies that are always complaining about the water.”*
- ▶ *“This study appears to be a railroad job that will benefit the few in the upper basin at the loss of the many in the lower basin.”*
- ▶ *“The situation will only get worse, not better, because it will be a political solution.”*



Population Distribution

- States wholly or partially in the basin -

- Missouri (5.8 million)
- Colorado (4.8 million)
- Iowa (3.0 million)
- Kansas (2.8 million)
- Nebraska (1.8 million)
- Montana (0.9 million)
- South Dakota (0.8 million)
- North Dakota (0.6 million)
- Wyoming (0.5 million)



2006 estimates from US Bureau of Census



Evolving Uses

- Quotes -

- ▶ *“Hold water upstream rather than releasing it for ghost barges.”*
- ▶ *“Because of lack of predictability no entities feel comfortable investing in navigation on the Missouri.”*
- ▶ *“The Tribes are looking at the prior appropriation doctrine because the 28 Indian Tribes have claims on the water.”*
- ▶ *“The Endangered Species Act is the big dog in this fight.”*
- ▶ *“The Act was made in the 40s and priorities have changed over time.”*
- ▶ *“Flood control, water supply and power generation are still important; navigation and irrigation are not.”*



The Corps

- Osprey Finding -

- ▶ Some see the Corps as effectively balancing competing priorities.
- ▶ However, many assert the Corps is beginning with a poor track record. They find the Corps to be slow, secretive, inflexible and unresponsive.
- ▶ Therefore, the Corps will need to go the extra mile for the process to be viewed as transparent and responsive.



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Context Conclusions

1. There is a belief throughout the basin that change is needed. Many feel that major change is desirable.
2. This study is being conducted in a difficult context:
 - ▶ a highly politicized environment,
 - ▶ the number and magnitude of concurrent MR processes,
 - ▶ generally low confidence levels in the Corps, and
 - ▶ various interests have the potential to derail the study process, findings and recommendations.
3. It is important that the study recommendations to Congress be widely accepted.



Process Comments

- Quotes -

- ▶ *“Three words – openness, transparency, collaboration.”*
- ▶ *“Missouri River fatigue is a problem.”*
- ▶ *“Go to the Tribes. Need to talk to Tribal leaders and governments.”*
- ▶ *“Collaboration within the states can happen, but throughout the basin it is tough.”*
- ▶ *“We hope this will produce changes and results. We fear nothing will happen.”*
- ▶ *“We need to consider things that make us all uncomfortable.”*
- ▶ *“Any time a particular interest gets an upper hand, the process falls apart.”*



Existing Processes

- Quotes -

- ▶ *“There are so many studies.”*
- ▶ *“Need to reflect previous good work in this process.”*
- ▶ *“It would be foolish to ignore the MRRIC process.”*
- ▶ *“MRRIC is a bunch of (expletive deleted).”*
- ▶ *“It will be difficult for the lower basin to argue conspiracy if the process is inclusive and MRRIC is integral.”*
- ▶ *“MRRIC has a full plate already.”*
- ▶ *“A MORASTesque approach could work.”*



Specific Suggestions

- Quotes -

- ▶ *“Use a multi-pronged approach.”*
- ▶ *“Smaller groups by state would work.”*
- ▶ *“Open house workshops could work well in this process.”*
- ▶ *“The Corps needs to listen to people.”*
- ▶ *“Work with the governors of the states.”*
- ▶ *“The Corps needs to figure out how to make this an inclusive process.”*
- ▶ *“Traditional knowledge has a place at the table.”*
- ▶ *“Get clear and concise information out ahead of meetings.”*
- ▶ *“Utilize the best science. Peer review should be incorporated for the remainder of the study.”*



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Process Summary

- ▶ Collaboration among the states is challenging but necessary.
- ▶ Institutions and processes that are working well should be leveraged.
- ▶ The Tribes must be included.
- ▶ Communication and coordination need to happen at multiple levels.

“There sure ain’t no silver bullets.”



Viabile Options

Collaborate

Consensus Group
or
Steering Group

Involve

Public Meetings
Association Meetings
Open Houses or Workshops
Technical Working Group
Focus Groups
Surveys

Inform

FAQs
Press Releases
Email List Serve
Fact Sheets
Public Service Announcements
Website
DVDs



Collaborative Choices

Consensus Group	Steering Group
<ul style="list-style-type: none">▶ Slow start-up phase▶ Time consuming▶ Builds trust▶ Difficult to make hard choices▶ Includes broad stakeholder involvement▶ Helps ensure implementable decisions	<ul style="list-style-type: none">▶ Smaller and more efficient▶ Works in compressed time frame▶ Members understand and speak for several interests▶ Group can help Corps tackle tough issues▶ Political accountability▶ May involve representative interests



Senior Steering Council

- Basic Framework -

- ▶ Corps convenes a high-level senior steering council.
- ▶ Governors in nine states appoint one senior government employee per state.
- ▶ Corps senior leadership (e.g., District Engineer or Deputy from Kansas City and Omaha Districts) participates.
- ▶ Corps will be open and responsive to the group's input and explain its decisions.
- ▶ This model assumes a parallel or integrated Tribal committee and a cooperating agency structure.



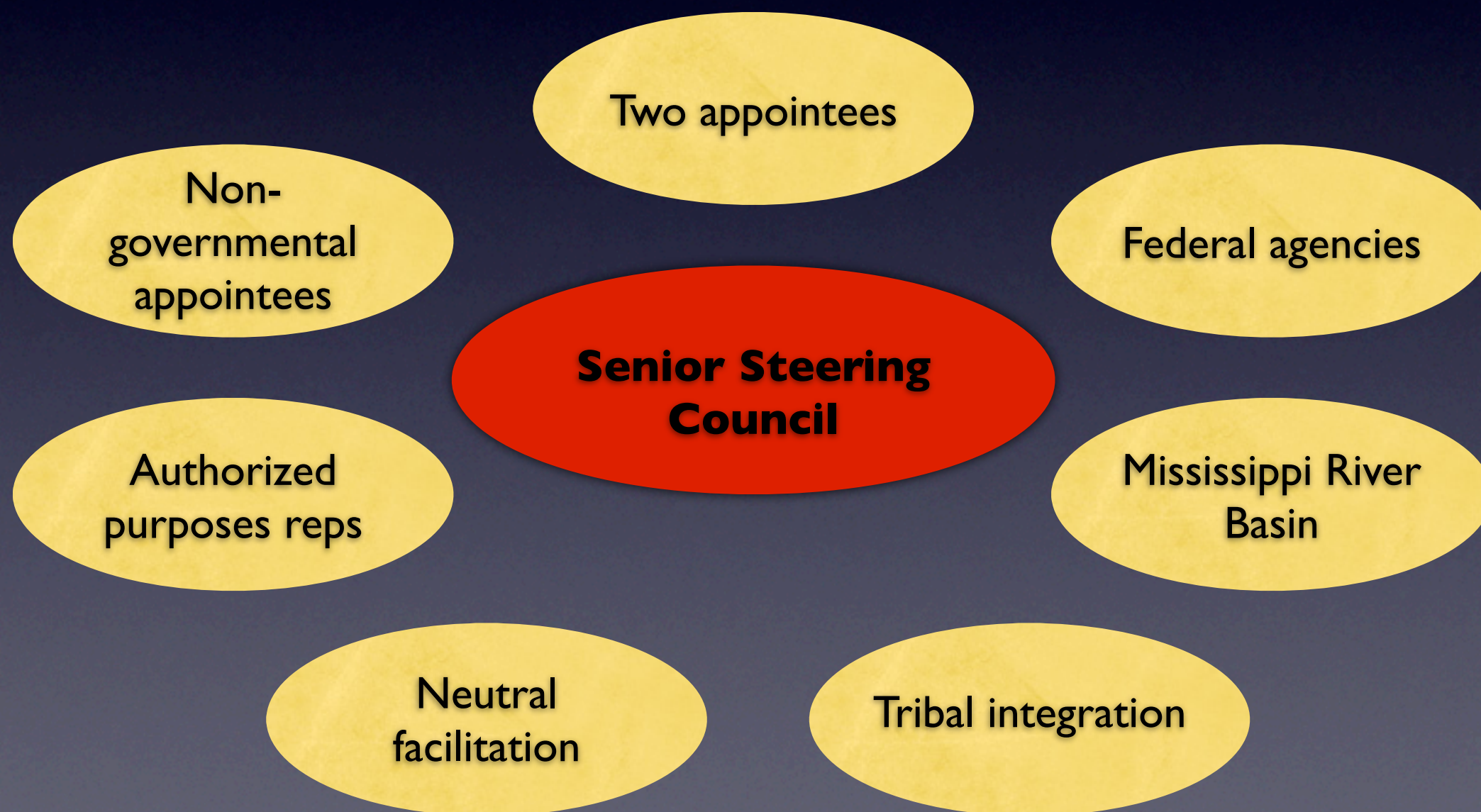
Senior Steering Council

- Various Options -

- ▶ Governors appoint two state government employees rather than one (e.g., State Engineer and DNR Director), or ...
- ▶ Governors have discretion to appoint non-governmental individuals, or ...
- ▶ Appointees select one additional representative for each authorized purpose, or ...
- ▶ Include Tribal representatives within the steering group, or ...
- ▶ Include representatives from Federal agencies (e.g., EPA, USFWS, BOR, WAPA), or ...
- ▶ Include representatives from the Mississippi River Basin, or ...
- ▶ Provide professional neutral facilitation.

Senior Steering Council

- Various Options -





Senior Steering Council

- Operating Assumptions -

- ▶ An executive resource to provide ongoing counsel to the Corps about the study's implementation
- ▶ Group is initiated early in study process
- ▶ Group is small enough to be efficient
- ▶ Government employees bring broad statewide perspectives to the table
- ▶ Executive-level Corps involvement
- ▶ Commitment from states, which may set up parallel processes to hear from stakeholders



Tribal Steering Council

- ▶ To be defined more clearly after meetings with Tribes during April and May
- ▶ Overview: Significant stature
- ▶ Potential approach: One member may be appointed by each affected Tribe; same senior Corps leadership
- ▶ General characteristics: High-level Tribal committee to provide ongoing counsel to the Corps about study implementation



Public Involvement Recommended Options

Collaborate

Senior Steering Council
Tribal Senior Steering Council

Joint Steering Council

Involve

Public Meetings
Association Meetings
Workshops
Technical Groups
Focus Groups

Inform

PSAs
Press Releases
Email List Serve
Fact Sheets
Website (FAQs)